

85TH CONGRESS  
2D SESSION

# S. 3163

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## IN THE SENATE OF THE UNITED STATES

JANUARY 28 (legislative day, JANUARY 27), 1958

Mr. SMITH of New Jersey (for himself, Mr. ALLOTT, Mr. BUSH, Mr. CASE of New Jersey, Mr. COOPER, Mr. IVES, Mr. PAYNE, Mr. PURTELL, Mr. THYE, Mr. JAVITS, and Mr. WILEY) introduced the following bill; which was read twice and referred to the Committee on Labor and Public Welfare

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## A BILL

To encourage and assist in the expansion and improvement of educational programs to meet critical national needs through the early identification of student aptitudes, strengthening of counseling and guidance services in public high schools, provision of scholarships for able students needing assistance to continue their education beyond high school; strengthening of science and mathematics instruction in the public schools; expansion of graduate programs in colleges and universities, including fellowships; improvement and expansion of modern foreign language teaching; improving State educational records and statistics; and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That this Act may be cited as the "Educational Development
- 4 Act of 1958".

I—O

1 TITLE I—IDENTIFICATION OF APTITUDES AND  
2 ENCOURAGEMENT OF ABLE STUDENTS

3 PART A—TESTING AND COUNSELING AND GUIDANCE

4 AUTHORIZATION OF APPROPRIATIONS

5 SEC. 101. There are hereby authorized to be appro-  
6 priated for the fiscal year ending June 30, 1959, and each  
7 of the three succeeding fiscal years, for grants to States  
8 under this part, such sums as the Congress may determine.

9 ALLOTMENTS

10 SEC. 102. From the sums appropriated pursuant to  
11 section 101 for any fiscal year, the Commissioner of Edu-  
12 cation shall allot to each State an amount equal to \$1.25  
13 multiplied by the number of students enrolled in grades 9,  
14 10, 11, and 12 in public or other nonprofit schools in the  
15 State. The remainder of such sums shall be allotted by the  
16 Commissioner among the States on the basis of their rela-  
17 tive numbers of students enrolled in grades 9, 10, 11, and  
18 12 in public schools; except that if the amount so allotted  
19 to any State from such remainder is less than \$5,000, it  
20 shall be increased to that amount, with the amounts so  
21 allotted to other States being proportionately reduced.

22 PAYMENTS TO STATES; EXPENDITURES COVERED

23 SEC. 103. (a) From the total allotted to a State for a  
24 fiscal year under section 102, the Commissioner shall from

1 time to time pay to such State an amount equal to one-half  
2 of the expenditures for such year under the State plan ap-  
3 proved under section 104—

4 (1) for testing of students in public or other non-  
5 profit elementary or secondary schools to determine their  
6 aptitudes and abilities, and for maintaining, for students  
7 in public elementary or secondary schools, cumulative  
8 records of the results of such tests and other information  
9 pertinent to the educational progress of the students,

10 (2) (A) for salaries of additional supervisors of  
11 counseling and guidance personnel, (B) for counseling  
12 and guidance training, either directly or through public  
13 or other nonprofit institutions, of persons who are em-  
14 ployed full time or part time by the State educational  
15 agency or a local educational agency in counseling and  
16 guidance of students in public secondary schools, or who  
17 are preparing for such employment, and (C) for  
18 salaries of additional counseling and guidance personnel,  
19 and

20 (3) for the necessary cost of administering the  
21 State plan.

22 For purposes of this section and section 104, the term,  
23 “counseling and guidance personnel” includes only those  
24 who are exclusively or principally engaged in counseling

1 and guidance of students in public secondary schools and  
2 who meet the requirements for full, regular, or standard  
3 certification by the State for engaging in such work.

4 (b) In any State which has a State plan approved  
5 under section 104 and in which the State educational agency  
6 is not authorized by law to make payments to cover the  
7 cost of testing students in any one or more nonprofit private  
8 schools to determine student abilities and aptitudes, the  
9 Commissioner shall reserve from the amount allotted to such  
10 State under section 102 for a fiscal year an amount equal  
11 to \$1.25 multiplied by the number of students enrolled in  
12 grades 9, 10, 11, and 12 in such schools. The amount so  
13 reserved shall be available, if students in public schools in  
14 such State are tested during such year under the State plan  
15 approved under section 104, exclusively for payment of  
16 one-half of the expenditures incurred for such year in the  
17 testing of students in such private schools, except that  
18 such payment, in the case of any school for any year, may  
19 not exceed \$1.25 multiplied by the number of students in  
20 such school enrolled, during the year of the testing, in grades  
21 9, 10, 11, and 12. The Commissioner shall make arrange-  
22 ments for such testing which shall, so far as practicable,  
23 be comparable to, and be done at the same grade levels  
24 and under the same conditions as in the case of, testing of  
25 students in public schools under the State plan.

1 STATE PLANS

2 SEC. 104. The Commissioner shall approve a State plan  
3 for testing and counseling and guidance of high-school  
4 students which—

5 (a) provides for administration of the plan by the  
6 State educational agency;

7 (b) sets forth the State's programs and methods for  
8 the testing of students (which shall include provision for  
9 the testing during each year of at least (1) all students  
10 in grade 9 or all students in a lower grade, and (2) all  
11 students in grade 11 or all students in grade 12), for  
12 the maintenance of testing and other student records,  
13 and for strengthening counseling and guidance of  
14 students;

15 (c) sets forth minimum qualifications for counsel-  
16 ing and guidance personnel;

17 (d) provides such accounting, budgeting, and other  
18 fiscal methods and procedures as are necessary for the  
19 proper and efficient administration of the plan; and

20 (e) provides that the State educational agency will  
21 make such reports to the Commissioner, in such form and  
22 containing such information, as are reasonably necessary  
23 to enable the Commissioner to perform his functions  
24 under this part.

1 COUNSELING AND GUIDANCE TRAINING INSTITUTES

2 SEC. 105. There are hereby authorized to be appro-  
3 priated for the fiscal year ending June 30, 1959, and each  
4 of the three succeeding fiscal years, such sums as the Con-  
5 gress may determine, to enable the Commissioner of Educa-  
6 tion to arrange, by grants to or contracts with institutions  
7 of higher education, for the operation by them of short-term  
8 and regular session institutes for the provision of training  
9 to improve the qualifications of personnel engaged in counsel-  
10 ing and guidance of students in public or other nonprofit  
11 secondary schools, and for payment of stipends to such per-  
12 sonnel while attending such institutes, including allowances  
13 for dependents and for travel to and from their places of  
14 residence.

15 PART B—UNDERGRADUATE SCHOLARSHIPS

16 AUTHORIZATION OF APPROPRIATIONS

17 SEC. 121. In order to provide an incentive to able stu-  
18 dents, who need financial assistance therefor, to continue their  
19 education at institutions of higher education and thereby in-  
20 crease the Nation's supply of manpower trained at such insti-  
21 tutions, there are hereby authorized to be appropriated for  
22 scholarships for the fiscal year ending June 30, 1959, the  
23 sum of \$7,500,000; for the fiscal year ending June 30, 1960,  
24 the sum of \$15,000,000; for the fiscal year ending June 30,

1 1961, the sum of \$22,500,000; for the fiscal year ending  
2 June 30, 1962, the sum of \$30,000,000; and for each of the  
3 three succeeding fiscal years such sums as may be necessary to  
4 continue scholarships for persons receiving scholarship pay-  
5 ments from the appropriations for a prior year.

6 ALLOTMENTS

7 SEC. 122. (a) The Commissioner shall for the fiscal year  
8 ending June 30, 1959, allot the sums appropriated for such  
9 year under section 121 among the States on the basis of their  
10 relative numbers of graduates from public or other nonprofit  
11 secondary schools, as determined by the Commissioner for  
12 such year for each State on the basis of the number of grad-  
13 uates from such schools in such State for the most recent year  
14 for which satisfactory data for such State are available to him.  
15 For purposes of this section, a graduate is an individual who  
16 meets the requirements of section 124 (a) (2) (A).

17 (b) The Commissioner shall for each of the three suc-  
18 ceeding fiscal years estimate the total sum from the appro-  
19 priation under section 121 for such year which is necessary  
20 for making payments to individuals who have previously  
21 received scholarship payments. He shall, in accordance with  
22 regulations prescribed by him, allot such sum among the  
23 States on the basis of (1) the aggregate amount paid from  
24 the appropriation for the preceding fiscal year to recipients

1 of scholarships from each State, and (2) his estimate of  
2 changes in the number of such individuals from each State  
3 who will be eligible for continuing payments.

4 (c) The remainder of such appropriation for the fiscal  
5 year ending June 30, 1960, or any of the two succeeding  
6 fiscal years, shall be allotted among the States by the Com-  
7 missioner on the same basis as is provided in subsection (a)  
8 of this section. The total appropriation under section 121  
9 for the fiscal year ending June 30, 1963, and each of the  
10 two succeeding fiscal years, shall be allotted by the Com-  
11 missioner among the States on the same basis as is provided  
12 in subsection (b) of this section.

13 (d) The amount allotted pursuant to subsection (a) or  
14 the first sentence of subsection (c) shall be available for  
15 payments to individuals awarded scholarships who have not  
16 received such payments from the appropriation for any prior  
17 year. The amount allotted under subsection (b) or the  
18 second sentence of subsection (c) shall be available for pay-  
19 ments to individuals who have received such payments from  
20 the appropriation for a prior year.

21 STATE COMMISSIONS AND PLANS

22 SEC. 123. (a) There are hereby authorized to be appro-  
23 priated for the fiscal year ending June 30, 1959, and each  
24 of the six succeeding fiscal years, such sums as the Congress  
25 may determine, for payment to the States of one-half of



1 the necessary cost of administering State plans approved  
2 under this part.

3 (b) Any State desiring to participate in the administra-  
4 tion of the scholarship program under this part may do so  
5 by establishing a State commission on Federal scholarships  
6 or designating an existing agency of the State to serve as  
7 the State commission on Federal scholarships, and by sub-  
8 mitting, through such commission, a State plan for carry-  
9 ing out the purposes of this part which is approved by the  
10 Commissioner under this section. The Commissioner shall  
11 approve any such plan which—

12 (1) provides that it shall be administered by the  
13 State commission on Federal scholarships (hereinafter  
14 in this part referred to as the "State commission") ;

15 (2) provides for the selection of individuals to re-  
16 ceive scholarships from among eligible applicants there-  
17 for, and for determination of the amount of such scholar-  
18 ships, in accordance with standards, procedures, and  
19 criteria, established by the State commission, which the  
20 Commissioner finds provide reasonable assurance (A)  
21 that, except as provided pursuant to clauses (B) and  
22 (C) hereof, selection of individuals to receive scholar-  
23 ships under this part will be based on ability to pursue  
24 successfully, at an institution of higher education, a

1 course of study leading to a bachelor's degree, deter-  
2 mined after taking into account the results of tests and  
3 other evidence of ability collected pursuant to the State  
4 plan (if any) approved under section 104, (B) that  
5 preference will be given in the selection of such indi-  
6 viduals to those with good preparation in or high apti-  
7 tude for mathematics or science, (C) (i) that only in-  
8 dividuals who need financial assistance to continue their  
9 education at institutions of higher education will be  
10 selected for scholarships, which need shall be determined  
11 without regard to the tuition, fees, and other expenses  
12 of attendance at the institution of higher education  
13 chosen by the individual, (ii) that the amount of each  
14 individual's scholarship each year will be based on his  
15 financial need, also determined without regard to such  
16 tuition, fees, and other expenses, and (iii) that the  
17 maximum scholarship allowable under the plan shall be  
18 \$1,000, and (D) that any eligible applicant who is not  
19 living in any State is provided a reasonable opportunity  
20 to be selected for a scholarship;

21 (3) provides for certification to the Commissioner  
22 of (A) individuals selected pursuant to the State plan  
23 for scholarships and the amount thereof, and (B) the  
24 financial need of individuals previously awarded such  
25 scholarships (and the amount of their scholarships), as

1 determined in accordance with the State standards,  
2 procedures, and criteria established as provided in sub-  
3 paragraph (2) ;

4 (4) provides such accounting, budgeting, and other  
5 fiscal methods and procedures as are necessary for the  
6 proper and efficient administration of the State plan;  
7 and

8 (5) provides for the making of such reports, in  
9 such form and containing such information, as are rea-  
10 sonably necessary to enable the Commissioner to per-  
11 form his functions under this part.

12 (c) In connection with his review of a State plan sub-  
13 mitted for approval pursuant to this section and his approval  
14 thereof, the Commissioner shall provide technical assistance  
15 and advice to the State for the purpose of promoting effective  
16 coordination between the State's scholarship program under  
17 this part and the testing and counseling and guidance pro-  
18 grams of the State.

19 ELIGIBILITY FOR AND AWARD OF SCHOLARSHIPS

20 SEC. 124. (a) An individual shall be eligible to apply  
21 for a scholarship in any State if he (1) is living in such  
22 State or, if not living in any State, is domiciled in such State,  
23 and (2) (A) holds a certificate of graduation, based on com-  
24 pletion of the twelfth grade, from any secondary school  
25 whose graduates meet the requirements established by the

1 State for graduation from secondary schools accredited by  
2 the State in which such school is located, or (B) in the  
3 case of an individual who does not hold such a certificate,  
4 is determined by the State commission for the State in which  
5 he is living (or, if not living in any State, for the State in  
6 which he is domiciled) to have attained a level of advance-  
7 ment generally accepted as constituting the equivalent of  
8 that required for graduation from such a secondary school.

9 (b) Within the limits of a State's allotment under sub-  
10 section (a) of section 122, or under the first sentence of sub-  
11 section (c) of such section, for a fiscal year and subject to  
12 the provisions of such subsection, the Commissioner shall  
13 award scholarships to individuals certified to him by the State  
14 commission of the State as having been selected therefor in  
15 accordance with the State plan approved under section 123.  
16 Applicants selected for scholarships pursuant to such plan,  
17 and applicants who, on the basis of ability, were rated above  
18 the last applicant receiving a scholarship and who failed to  
19 receive one solely because of their lack of need for financial  
20 assistance to continue their education at institutions of higher  
21 education, shall be awarded appropriate certificates by the  
22 Commissioner.

1 DURATION OF SCHOLARSHIPS

2 SEC. 125. (a) A scholarship awarded under this title  
3 shall be for the period, not in excess of four academic years,  
4 required for the recipient to complete the work for his  
5 first bachelor's degree.

6 (b) An individual to whom a scholarship has been  
7 awarded shall continue to receive payments in the amounts  
8 and for the periods of time authorized under the preceding  
9 provisions of this part only—

10 (1) if and to the extent the State commission by  
11 which he was selected finds him to be in financial need,  
12 as determined annually in accordance with the State  
13 plan approved under section 123, and

14 (2) if the Commissioner finds that he is enrolled  
15 in an institution of higher education and devotes himself  
16 as a full-time student to educational work in attend-  
17 ance at such institution and maintains satisfactory stand-  
18 ing there, except that failure to be in attendance at an  
19 institution during vacation periods, or, for good and suffi-  
20 cient reasons determined in accordance with regulations  
21 of the Commissioner, for such other periods as may be  
22 permitted in such regulations (during which periods he

1 shall receive no stipend payments) , shall not be deemed  
2 contrary to the provisions of this subparagraph.

3 ADJUSTMENT FOR OTHER FEDERAL EDUCATIONAL  
4 ASSISTANCE

5 SEC. 126. The Commissioner shall by regulation, pre-  
6 scribed after consultation with the other Federal agency or  
7 agencies concerned, provide for such adjustment (including,  
8 where appropriate, total withholding) of scholarship pay-  
9 ments under this part as may be necessary to avoid dupli-  
10 cation of educational assistance received under programs  
11 administered by such agencies.

12 SELECTION OF INSTITUTION

13 SEC. 127. An individual awarded a scholarship under  
14 this part may attend any institution of higher education  
15 which admits him.

16 PAYMENT OF SCHOLARSHIPS

17 SEC. 128. The Commissioner shall from time to time  
18 arrange for the payment of the amounts due recipients of  
19 scholarships under this part, in such installments as he may  
20 determine.

1 TITLE II—GRANTS TO STATES FOR STRENGTH-  
2 ENING SCIENCE OR MATHEMATICS INSTRUCC-  
3 TION IN PUBLIC SCHOOLS

4 PART A—STRENGTHENING SUPERVISORY, TEACHER-TRAIN-  
5 ING, AND RELATED ACTIVITIES OF STATE EDUCA-  
6 TIONAL AGENCIES

7 AUTHORIZATION OF APPROPRIATIONS

8 SEC. 201. For the purpose of assisting State educational  
9 agencies to strengthen their supervisory, teacher-training,  
10 and related activities in support of science or mathematics  
11 instruction in public elementary or secondary schools there  
12 are hereby authorized to be appropriated, for grants to States  
13 for such purpose, for the fiscal year ending June 30, 1959,  
14 and the three succeeding fiscal years, not to exceed \$15,000,-  
15 000 annually.

16 ALLOTMENTS

17 SEC. 202. The sums appropriated pursuant to section  
18 201 for any fiscal year shall be allotted by the Commissioner  
19 among the States on the basis of their relative numbers of  
20 students enrolled in grades 1 to 12, both inclusive, in public

1 schools; except that if the amount so allotted to any State  
2 is less than \$5,000 it shall be increased to that amount, with  
3 the amounts so allotted to other States being proportionately  
4 reduced.

5 PAYMENTS TO STATES

6 SEC. 203. From each State's allotment for a fiscal year  
7 under section 202, the Commissioner shall from time to time  
8 pay to such State an amount equal to one-half of the expendi-  
9 tures for such year under the expansion or improvement  
10 programs included in the State plan approved under section  
11 204, plus one-half of the necessary cost of administering the  
12 State plan for such year.

13 STATE PLANS

14 SEC. 204. The Commissioner shall approve, for the  
15 purposes of this title, a State plan which—

16 (a) provides for administration of the plan by the  
17 State educational agency;

18 (b) sets forth the expansion or improvement pro-  
19 grams to be carried on under the State plan, which shall  
20 include programs for expansion or improvement—

21 (1) of supervision by the State educational  
22 agency of instruction in science and mathematics  
23 in public elementary or secondary schools,

24 (2) of studies and demonstrations designed to  
25 modernize science or mathematics curricula, in-



1 instructional materials, and classroom or laboratory  
2 equipment in public elementary or secondary  
3 schools, and

4 (3) of preservice undergraduate teacher-  
5 training in science and mathematics and training to  
6 improve the qualifications to teach such subjects of  
7 persons engaged, in public elementary or secondary  
8 schools, in teaching science or mathematics,  
9 and which may include programs for expansion or im-  
10 provement of other activities of the State educational  
11 agency in support of science or mathematics instruction  
12 in public elementary or secondary schools;

13 (c) shows the methods for carrying out such  
14 programs;

15 (d) provides such accounting, budgeting, and other  
16 fiscal methods and procedures as are necessary for the  
17 proper and efficient administration of the State plan;  
18 and

19 (e) provides that the State educational agency  
20 will make such reports to the Commissioner, in such  
21 form and containing such information, as are reasonably  
22 necessary to enable the Commissioner to perform his  
23 functions under this title.

24 For purposes of this subsection, only that portion of an

1 existing program which the Commissioner finds is an addi-  
2 tion to or expansion of such program shall be deemed to be  
3 an expansion or improvement program.

4 PART B—STRENGTHENING SCIENCE OR MATHEMATICS

5 INSTRUCTION IN PUBLIC SECONDARY SCHOOLS

6 AUTHORIZATION OF APPROPRIATIONS

7 SEC. 221. For the purpose of assisting local educational  
8 agencies to expand and improve science or mathematics in-  
9 struction in their public secondary schools, there are hereby  
10 authorized to be appropriated, for grants to States for such  
11 purpose, for the fiscal year ending June 30, 1959, and the  
12 three succeeding fiscal years, not to exceed \$150,000,000  
13 annually.

14 ALLOTMENTS

15 SEC. 222. The sums appropriated pursuant to section  
16 221 for any fiscal year shall be allotted by the Commissioner  
17 among the States on the basis of their relative numbers of  
18 students enrolled in grades 9, 10, 11, and 12 in public  
19 schools.

20 PAYMENTS TO STATES

21 SEC. 223. (a) From a State's allotment for a fiscal  
22 year under section 222, the Commissioner shall from time to  
23 time pay to such State an amount equal to one-half of the  
24 expenditures for such year under programs of local educa-

1 tional agencies approved by the State educational agency  
2 under the State plan approved under section 204.

3 (b) Payments may be made under subsection (a) with  
4 respect to any program of a local educational agency in any  
5 State only if—

6 (1) such State has a State plan approved under  
7 section 204;

8 (2) such plan sets forth minimum qualifications  
9 for science or mathematics teachers and requires such  
10 qualifications to be met by any teacher whose compensa-  
11 tion is paid or increased under such a program; and

12 (3) such plan sets forth criteria, standards, and  
13 procedures to be followed by the State educational  
14 agency in approving programs of local educational  
15 agencies for—

16 (A) the employment of additional qualified  
17 science or mathematics teachers,

18 (B) increasing the rate of compensation for  
19 science or mathematics teachers or increasing the  
20 amount of their compensation to reflect additional  
21 work, but not counting, for purposes of this part,  
22 any increase (i) paid prior to approval, under the  
23 State plan approved under section 204, of the pro-  
24 gram under which it is paid, or (ii) paid pursuant

1 to any law or other provision in effect prior to  
2 July 1, 1958,

3 (C) provision of laboratory and related special  
4 equipment necessary for teaching science or mathe-  
5 matics, and minor remodeling of laboratory or other  
6 space used for such equipment, or

7 (D) expanding or improving science or mathe-  
8 matics teaching in public secondary schools through  
9 any activities or expenditures not involving salaries  
10 of science or mathematics teachers, provision of  
11 equipment, or capital outlay (but for purposes of  
12 this subparagraph, only that portion of an existing  
13 program which the State educational agency finds  
14 is an addition to or expansion of such program shall  
15 be deemed to be a program for expanding or im-  
16 proving science or mathematics teaching in public  
17 secondary schools).

18 For purposes of this section and section 204, the term  
19 "science or mathematics teacher" means a teacher who is  
20 exclusively or principally engaged in teaching science or  
21 mathematics in public secondary schools or in supervising  
22 such teachers in public elementary or secondary schools.

1 TITLE III—FOREIGN LANGUAGE DEVELOPMENT

2 FOREIGN LANGUAGE INSTITUTES

3 SEC. 301. (a) The Commissioner is authorized to ar-  
4 range, through grants to or contracts with institutions of  
5 higher education, for the operation by them, during the period  
6 beginning July 1, 1958, and ending with the close of June  
7 30, 1962, of short-term and regular session institutes for ad-  
8 vanced training, particularly in the use of new teaching meth-  
9 ods and instructional materials, for individuals who are en-  
10 gaged in or preparing to engage in the teaching, or  
11 supervising or training teachers, of any modern foreign  
12 language in public or other nonprofit elementary or secondary  
13 schools or in institutions of higher education.

14 (b) A grant or contract pursuant to this section may  
15 cover all or any part of the cost of the institute with respect  
16 to which it is made, and may be made on such conditions as  
17 the Commissioner finds necessary to carry out the purposes of  
18 this section.

19 (c) The Commissioner is also authorized during the pe-  
20 riod beginning July 1, 1958, and ending with the close of  
21 June 30, 1962, to pay stipends to individuals attending any

1 institute established under this section, including allowances  
2 for dependents and for travel to and from their places of resi-  
3 dence.

4 FOREIGN LANGUAGE CENTERS

5 SEC. 302. (a) The Commissioner is authorized, through  
6 grants to or contracts with institutions of higher education,  
7 to assist such institutions, during the period beginning July  
8 1, 1958, and ending with the close of June 30, 1962, in  
9 the establishment and operation of centers for the teaching  
10 of any foreign language with respect to which the Commis-  
11 sioner determines (1) that individuals trained in such lan-  
12 guage are needed by the Federal Government or by busi-  
13 ness, industry, or education in the United States, and (2)  
14 that adequate instruction in such language is not readily  
15 available in the United States. Any such grant or contract  
16 may cover not more than 50 per centum of the cost of such  
17 establishment and operation and shall be made on such  
18 conditions as the Commissioner finds necessary to carry out  
19 the purposes of this section.

20 (b) The Commissioner is also authorized, during the  
21 period beginning July 1, 1958, and ending with the close  
22 of June 30, 1962, to pay stipends to individuals undergoing  
23 advanced training in any foreign language (with respect  
24 to which he makes the determination under clause (1) of  
25 subsection (a) ) at any short-term or regular session of any

1 institution of higher education, including allowances for  
2 dependents and for travel to and from their places of resi-  
3 dence, but only upon reasonable assurance that the recipi-  
4 ents of such stipends will, on completion of their training,  
5 be available for teaching a foreign language in an institution  
6 of higher education.

7 RESEARCH AND STUDIES

8 SEC. 303. The Commissioner is authorized, directly or  
9 by contract, to make studies and surveys to determine the  
10 need for increased or improved training in foreign languages,  
11 to conduct research on more effective methods of teaching  
12 foreign languages, and to develop specialized materials for  
13 use in the teaching of foreign languages or in training  
14 teachers thereof.

15 NATIONAL ADVISORY COMMITTEE ON FOREIGN LANGUAGES

16 SEC. 304. (a) There is hereby established a National  
17 Advisory Committee on Foreign Languages, consisting of  
18 twelve members appointed, without regard to the civil-  
19 service laws, by the Commissioner with the approval of the  
20 Secretary of Health, Education, and Welfare. The mem-  
21 bers shall be selected so as to provide a broad representation  
22 from among persons who are recognized for their knowledge  
23 or interest in various foreign languages, institutions of higher  
24 education engaged in teaching foreign languages or training  
25 teachers thereof, and the general public. The Committee

1 shall annually select one of its members to serve as  
2 Chairman.

3 (b) Members of the Committee, while attending con-  
4 ferences or meetings of the Committee, shall be entitled to  
5 receive compensation at a rate to be fixed by the Secretary  
6 of Health, Education, and Welfare but not exceeding \$50  
7 per diem, and while away from their homes or regular places  
8 of business they may be allowed travel expenses, including  
9 per diem in lieu of subsistence, as authorized by law for  
10 persons in the Government service employed intermittently.

11 (c) The Committee shall advise, consult with, and  
12 make recommendations to the Commissioner on matters of  
13 policy or general administration under this title.

#### 14 TITLE IV—EXPANSION OF GRADUATE

#### 15 EDUCATION

#### 16 GRANTS AUTHORIZED

17 SEC. 401. For the purpose of assisting institutions of  
18 higher education to establish new or expand existing pro-  
19 grams of graduate education, there are hereby authorized  
20 to be appropriated for the fiscal year ending June 30, 1959,  
21 and each of the five succeeding fiscal years, for grants to  
22 such institutions, such sums as the Congress may determine.

#### 23 ELIGIBLE PROGRAMS

24 SEC. 402. Grants under this title may be made by the  
25 Commissioner only with respect to a program of graduate



1 education (1) which is for students who have been awarded  
2 a bachelor's or master's degree or a professional degree, and  
3 (2) which leads to a degree of doctor of philosophy or an  
4 equivalent degree.

5 AMOUNT AND CONDITIONS OF PAYMENTS

6 SEC. 403. (a) Grants under this title may be made by  
7 the Commissioner on such conditions as he finds necessary  
8 to carry out the purposes of this title. Any such grant to an  
9 institution may not exceed (1) (A) one-half of the cost of  
10 salaries of additional faculty members needed for new pro-  
11 grams or the expansion of existing programs and of increases  
12 in salaries of existing faculty members to reflect additional  
13 duties occasioned by such new programs or the expansion of  
14 existing programs, and other costs attributable to the estab-  
15 lishment of new programs or the expansion of existing pro-  
16 grams, including overhead costs and costs of equipment, or  
17 (B) if the institution so elects with respect to a graduate  
18 program, an amount equal to \$500 multiplied by the number  
19 of fellowships in such program awarded pursuant to this  
20 section, and (2) the cost of fellowships for graduate students  
21 enrolled in a new graduate program or whose enrollment con-  
22 stitutes an increase in enrollment in a graduate program.  
23 Such fellowships, including allowances for dependents, shall  
24 be in such amounts as may be permitted in regulations of

1 the Commissioner; shall be awarded annually by the insti-  
2 tution, under criteria which are approved by the Commis-  
3 sioner and provide preference for individuals who are inter-  
4 ested in teaching in institutions of higher education, and shall  
5 be renewable to the extent necessary to enable the recipient  
6 to secure the degree awarded at the completion of the course  
7 of study of the graduate program involved.

8 (b) Notwithstanding the preceding provisions of this  
9 section (1) no fellowships may be for more than three aca-  
10 demic years, (2) no fellowship may be awarded for a  
11 course of study beginning after June 30, 1962, or extend-  
12 ing beyond June 30, 1964, (3) the total of the payments  
13 to any institution to cover the costs described in clause (1)  
14 of subsection (a) for any fiscal year may not exceed  
15 \$125,000, and (4) payments of the amounts referred to  
16 in clause (1) of subsection (a) may not be made for any  
17 period after June 30, 1962.

18 NATIONAL ADVISORY COMMITTEE ON GRADUATE  
19 EDUCATION

20 SEC. 404. (a) There is hereby established a National  
21 Advisory Committee on Graduate Education, consisting of  
22 twelve members appointed, without regard to the civil-service  
23 laws, by the Commissioner with the approval of the Secre-  
24 tary of Health, Education, and Welfare. The members shall  
25 be selected so as to provide a broad representation from

1 among various graduate fields, institutions of higher edu-  
2 cation with programs of graduate education, and the general  
3 public. The Committee shall annually elect one of its mem-  
4 bers to serve as chairman.

5 (b) Members of the Committee, while attending con-  
6 ferences or meetings of the Committee, shall be entitled to  
7 receive compensation at a rate to be fixed by the Secretary  
8 of Health, Education, and Welfare, but not exceeding \$50  
9 per diem, and while away from their homes or regular places  
10 of business they may be allowed travel expenses, including  
11 per diem in lieu of subsistence, as authorized by law for  
12 persons in the Government service employed intermittently.

13 (c) The Committee shall advise, consult with, and make  
14 recommendations to the Commissioner on matters of policy or  
15 general administration under this title.

16 TITLE V—GENERAL PROVISIONS

17 IMPROVEMENT OF STATISTICAL SERVICES OF STATE EDU-  
18 CATIONAL AGENCIES

19 SEC. 501. (a) For the purpose of assisting the States  
20 to improve and strengthen the adequacy and reliability of  
21 educational statistics provided by State and local reports and  
22 records and the methods and techniques for collecting and  
23 processing educational data and disseminating information  
24 about the condition and progress of education in the States,  
25 there are hereby authorized to be appropriated for the fiscal

1 year ending June 30, 1959, and each of the three succeeding  
2 fiscal years, for grants to States under this section, such sums  
3 as the Congress may determine.

4 (b) Grants under this section by the Commissioner shall  
5 be equal to one-half of the cost of State educational agency  
6 programs to carry out the purposes of this section, including  
7 (1) improving the collection, analysis, and reporting of  
8 statistical data supplied by local educational units, (2) the  
9 development of accounting and reporting manuals to serve  
10 as guides for local educational units, (3) the conduct of  
11 conferences and training for personnel of local educational  
12 units and of periodic reviews and evaluation of the program  
13 for records and reports, (4) improving methods for ob-  
14 taining, from other State agencies within the State, edu-  
15 cational data not collected by the State educational agency,  
16 or (5) expediting the processing and reporting of statistical  
17 data through installation and operation of mechanical equip-  
18 ment. The total of the payments to any State under this  
19 section for any fiscal year may not exceed \$50,000.

20 (c) Payments with respect to any program of a State  
21 educational agency under this section may be made (1) only  
22 to the extent it is a new program or an addition to or ex-  
23 pansion of an existing program, (2) only if the State has  
24 provided reasonable assurance that the State educational  
25 agency will comply with requests of the Commissioner for

1 information required in the conduct of surveys or studies  
2 of the Office of Education, and (3) on such conditions as the  
3 Commissioner finds necessary to carry out the purposes of  
4 this section.

5 WITHHOLDING OF FUNDS AND JUDICIAL REVIEW

6 SEC. 502. (a) Whenever the Commissioner, after rea-  
7 sonable notice and opportunity for hearing to a State educa-  
8 tional agency (or State commission in the case of part B of  
9 title I), finds that—

10 (1) the State plan of such State, approved as com-  
11 plying with the requirements of section 104, 123, or  
12 204, as the case may be, has been so changed that it  
13 no longer complies with such requirements (or the re-  
14 quirements of section 223 (b) in the case of the plan  
15 approved under section 204), or

16 (2) in the administration of the plan there is a  
17 failure to comply substantially with any such require-  
18 ment,

19 the Commissioner shall notify such State agency (or State  
20 commission) that no further payments will be made to the  
21 State under part A of title I in case of failure to comply  
22 with any requirement of section 104, under part B of title  
23 I in case of failure to comply with any requirement of sec-  
24 tion 123, under title II in case of a failure to comply with  
25 any requirement of section 204, or under part B of title II

1 in case of failure to comply with any requirement of section  
2 223 (b) (or, in his discretion, that further payments will  
3 not be made to the State for programs under or portions of  
4 the State plan affected by such failure), until he is satisfied  
5 that there will no longer be any such failure. Until he is  
6 so satisfied the Commissioner shall make no further pay-  
7 ments to such State under such title or part, as the case may  
8 be (or shall limit payments to programs under or portions  
9 of the State plan in which there is no such failure).

10 (b) (1) If any State is dissatisfied with the Commis-  
11 sioner's action under subsection (a), such State may appeal  
12 to the United States court of appeals for the circuit in which  
13 such State is located. The summons and notice of appeal  
14 may be served at any place in the United States.

15 (2) The findings of fact by the Commissioner, unless  
16 substantially contrary to the weight of the evidence, shall be  
17 conclusive, but the court, for good cause shown, may remand  
18 the case to the Commissioner to take further evidence, and  
19 the Commissioner may thereupon make new or modified  
20 findings of fact and may modify his previous action. Such  
21 new or modified findings of fact shall likewise be conclusive  
22 unless substantially contrary to the weight of the evidence.

23 (3) The court shall have jurisdiction to affirm the ac-  
24 tion of the Commissioner or to set it aside, in whole or in  
25 part. The judgment of the court shall be subject to review

1 by the Supreme Court of the United States upon certiorari  
2 or certification as provided in title 28, United States Code,  
3 section 1254.

4 UTILIZATION OF OTHER AGENCIES

5 SEC. 503. In administering the provisions of this Act,  
6 the Commissioner is authorized to utilize (and pay for) the  
7 services and facilities of any agency of the Federal Govern-  
8 ment or of any other public or nonprofit agency or institution,  
9 in accordance with agreements between the Secretary of  
10 Health, Education, and Welfare and the head thereof.

11 PAYMENT PROCEDURE

12 SEC. 504. Payments under this Act to any State, State  
13 or Federal agency, institution, or other organization pursuant  
14 to a grant or contract may be made by the Commissioner in  
15 installments, and in advance or by way of reimbursement,  
16 and, in the case of grants, with necessary adjustments on ac-  
17 count of overpayments or underpayments.

18 DELEGATION OF COMMISSIONER'S FUNCTIONS

19 SEC. 505. The Commissioner is authorized to delegate  
20 any of his functions under this Act, except the making of reg-  
21 ulations, to any officer or employee of the Office of Education.

22 STUDIES AND TECHNICAL ASSISTANCE

23 SEC. 506. The Commissioner is authorized to make  
24 studies, investigations, demonstrations, and reports which will  
25 aid in carrying out the purposes of this Act or are related

1 thereto, and to disseminate information thereon, and to co-  
2 operate with and render technical assistance to States and  
3 public or other nonprofit organizations and institutions in  
4 matters related to the purposes of this Act, including assist-  
5 ance to State commissions on Federal scholarships in the dis-  
6 charge of their responsibilities under section 123 (b) (2)  
7 (D).

8 ADMINISTRATION

9 SEC. 507. (a) There are hereby authorized to be ap-  
10 propriated for each fiscal year to the Department of Health,  
11 Education, and Welfare such sums as may be necessary for  
12 administration of this Act.

13 (b) The Secretary of Health, Education, and Welfare  
14 is authorized, subject to the procedures prescribed by section  
15 505 of the Classification Act of 1949 (5 U. S. C. 1105), to  
16 place a total of ten positions in the Office of Education in  
17 grades 16, 17, and 18 of the General Schedule. Such posi-  
18 tions shall be in addition to the number of positions author-  
19 ized to be placed in such grades by subsection (b) of such  
20 section 505.

21 COOPERATION BETWEEN FEDERAL AGENCIES

22 SEC. 508. (a) The Secretary of Health, Education, and  
23 Welfare shall consult and cooperate with the heads of other  
24 Federal departments and agencies which administer pro-  
25 grams of student-aid or of assistance to or utilization of insti-



1 tutions of higher education for training or other educational  
2 purposes, with a view to the better interchange between  
3 such agencies of information concerning their respective  
4 programs and the development of policies and procedures  
5 which will strengthen the educational programs and objec-  
6 tives of such institutions.

7 (b) Any agency of the Federal Government shall exer-  
8 cise its functions under any other law in such manner as  
9 will assist in carrying out the objectives of this Act. Noth-  
10 ing in this Act shall be construed as superseding or limiting  
11 the authority of this or any other agency of the Federal  
12 Government under any other law.

13 REPORT BY COMMISSIONER

14 SEC. 509. The Commissioner shall include in his annual  
15 report a full report of the activities under this Act.

16 EXEMPTION FROM CONFLICT-OF-INTEREST LAWS OF MEM-  
17 BERS OF ADVISORY COMMITTEES

18 SEC. 510. (a) Any member of an advisory committee  
19 appointed under this Act is hereby exempted, with respect  
20 to such appointment, from the operation of sections 281, 283,  
21 284, and 1914 of title 18 of the United States Code, and  
22 section 190 of the Revised Statutes (5 U. S. C. 99), except  
23 as otherwise specified in subsection (b) of this section.

24 (b) The exemption granted by subsection (a) shall not  
25 extend—

1           (1) to the receipt or payment of salary in connec-  
2           tion with the appointee's Government service from any  
3           source other than the private employer of the appointee  
4           at the time of his appointment, or

5           (2) during the period of such appointment, and the  
6           further period of two years after the termination thereof,  
7           to the prosecution or participation in the prosecution, by  
8           any person so appointed, of any claim against the Gov-  
9           ernment involving any matter concerning which the ap-  
10          pointee had any responsibility arising out of his appoint-  
11          ment during the period of such appointment.

12                               DEFINITIONS

13          SEC. 511. For the purposes of this Act—

14          (a) The term "Commissioner" means the (United  
15          States) Commissioner of Education.

16          (b) The term "State" includes Alaska, Hawaii, Puerto  
17          Rico, Guam, the Virgin Islands, and the District of Columbia.

18          (c) The term "State educational agency" means the  
19          State board of education or other agency primarily respon-  
20          sible for the State supervision of public elementary or  
21          secondary schools.

22          (d) The term "local educational agency" means a board  
23          of education or other legally constituted local school authority  
24          having administrative control and direction of public ele-  
25          mentary or secondary schools in a city, county, township,

1 school district, or political subdivision in a State. Such term  
2 includes any State agency which directly operates and  
3 maintains public elementary or secondary schools.

4 (e) The term "institution of higher education" means  
5 an educational institution in any State which (1) admits  
6 as regular students only persons having a certificate of grad-  
7 uation from a school providing secondary education, or the  
8 recognized equivalent of such a certificate, (2) is legally  
9 authorized within such State to provide a program of educa-  
10 tion beyond secondary education, (3) provides an educa-  
11 tional program for which it awards a bachelor's degree or  
12 provides not less than a two-year program which is accept-  
13 able for full credit toward such a degree, (4) is a public or  
14 other nonprofit institution, and (5) is accredited by a na-  
15 tionally recognized accrediting agency or association or, if  
16 not so accredited, is an institution whose credits are accepted,  
17 on transfer, by not less than three institutions which are so  
18 accredited, for credit on the same basis as if transferred  
19 from an institution so accredited. For purposes of part B  
20 of title I and section 302 (b), such term includes an institu-  
21 tion, not located in any State, which the Commissioner  
22 determines to be substantially comparable to an institution  
23 which comes within the preceding provisions of this subsec-  
24 tion. For purposes of this subsection, the Commissioner  
25 shall publish a list of nationally recognized accrediting agen-

1 cies and associations which he determines to be reliable  
2 authority as to the quality of training offered.

3 (f) The number of individuals "enrolled" in any grades  
4 or schools for any year means the number of individuals who  
5 are entered in such grades and schools, respectively, at some  
6 time during such year and were not previously entered  
7 during such year in a different grade and school, respectively,  
8 in the same State, and such numbers of individuals enrolled  
9 shall be determined for the State on the basis of data for the  
10 most recent year for which satisfactory data for such State  
11 are available to the Commissioner.

12 (g) The term "elementary school" means a school  
13 which provides elementary education, as determined under  
14 State law.

15 (h) The term "secondary school" means a school which  
16 provides secondary education, as determined under State  
17 law, except that for purposes of part B of title II it does not  
18 include any education provided beyond grade 12.

19 (i) The term "nonprofit", as applied to a school or  
20 institution, means a school or institution owned and operated  
21 by one or more nonprofit corporations or associations no  
22 part of the net earnings of which inures, or may lawfully  
23 inure, to the benefit of any private shareholder or individual,  
24 and, for purposes of part A of title I, includes a school of  
25 any agency of the United States.

37 .

1 (j) The term "public" as applied to any school or  
2 institution does not include a school or institution of any  
3 agency of the United States.

85TH CONGRESS  
2d Session

**S. 3163**

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## **A BILL**

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To encourage and assist in the expansion and improvement of educational programs to meet critical national needs through the early identification of student aptitudes, strengthening of counseling and guidance services in public high schools, provision of scholarships for able students needing assistance to continue their education beyond high school; strengthening of science and mathematics instruction in the public schools; expansion of graduate programs in colleges and universities, including fellowships; improvement and expansion of modern foreign language teaching; improving State educational records and statistics; and for other purposes.

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By Mr. SMITH of New Jersey, Mr. ALLOTT, Mr. BUSH, Mr. CASE of New Jersey, Mr. COOPER, Mr. IVES, Mr. PAYNE, Mr. PURTELL, Mr. THYE, Mr. JAVITS, and Mr. WILEY

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JANUARY 28 (legislative day, JANUARY 27), 1958  
Read twice and referred to the Committee on Labor  
and Public Welfare